

## **REMARKS**

In the Office Action, the Examiner objected to claims 4-7, rejected claim 22 under the second paragraph of 35 USC §112, and rejected claims 1-22 under 35 USC §102(e). These objections and rejections are fully traversed below.

Claims 1-6 and 10 have been amended to further clarify the subject matter regarded as the invention. In addition, claims 8, 9, 11, 12 and 22 have been cancelled from the application without prejudice or disclaimer. Thus, claims 1-7, 10 and 13-21 are pending.

Reconsideration of the application is respectfully requested based on the following remarks.

### **OBJECTION TO CLAIMS 4-7**

In the Office Action, the objected to claims 4-7 due to informalities regarding abbreviations. The amendments to claims 4-6 overcome the informalities identified by the Examiner regarding abbreviations. Accordingly, it is respectfully requested that the Examiner withdraw the objection to claims 4-7.

### **REJECTION OF CLAIM 22 UNDER 35 USC §112, SECOND PARAGRAPH**

In the Office Action, the Examiner rejected claim 22 under the second paragraph of 35 USC §112 as being indefinite. This rejection is rendered moot by the cancellation of claim 22.

### **REJECTION OF CLAIMS 1-22 UNDER 35 USC §102**

In the Office Action, the Examiner rejected claims 1-22 under 35 USC §102(e) as being anticipated by Duckett et al. (U.S. Patent Publication No.: 2003/0053420). This rejection is fully traversed below.

Duckett et al. pertains to methods and apparatus for monitoring the performance of services provided over a network. In particular, Duckett et al. uses a prophet applet 102 to monitor performance of websites. "Each web page or each frame to be

monitored must include a copy of the Prophet applet 102.” Page 6, paragraph 0108. Alternatively, a plug-in for a browser can provide the functionality of the prophet applet. “This can be achieved either by the Vigilante plug-in directly monitoring a user’s activity or by it being arranged to load the prophet applet into each downloaded page.” Page 8, paragraph 145. “As a further alternative a dedicated browser may be provided in which the Vigilante or prophet functionality is incorporated.” Page 8, paragraph 146. That is, the prophet applet is provided to the user’s browser by: (1) download with each accessed page, (2) a plug-in, or (3) packaging it with the user’s browser.

In contrast, in claim 1, the network browser application has capabilities to perform analysis and testing of websites built-into the application. In other words, such capabilities are part of the application program itself. As a result, the network browser application of claim 1 is different than the user browser that makes use of an applet as described in Duckett et al. Thus, Duckett et al. fails to teach or suggest the test-enabled web browser recited in claim 1.

Claim 2 pertains to a test-enabled web browser that, among other things, includes a load testing component that operates to test a website server in accordance with a load. More particularly, claim 2 recites:

wherein when said load testing component is activated, a number of multiple copies of said test-enabled web browser operate on a single client machine having its cache turned off, with each of the multiple copies of said test-enabled browser separately executing a playback script, and

wherein the load applied to the website server by the number of multiple copies of said test-enabled web browser is dependent on the number.

Claim 2, lines 7-12.

Although Duckett et al. makes mention of load testing using replayed scripts in paragraphs 0152-0157, paragraph 0153 points out the scripts are “run on separate end user communication units.” In contrast, in claim 2, multiple copies of a test-enabled browser operate on a single client machine. Accordingly, Duckett et al. cannot be said to teach or suggest the test-enabled web browser recited in claim 2.

Claim 6 pertains to a computer readable medium that includes computer program code for testing websites residing on the Internet. The computer program code includes “first computer program code for performing test operations” and “second computer program code for performing Dynamic Linked Libraries of Internet Explorer.”

Additionally, the “first and second computer program code together implement a test-enabled web browser as a single, integral Windows application that is not Internet Explorer.”

Although Duckett et al. makes reference to MS Internet Explorer being provided with testing functionality by way of an applet, claim 6 does not use an applet. Instead, claim 6 uses a single, integral Windows application that is not Internet Explorer. Therefore, it is submitted that claim 6 is patentable distinct from Duckett et al.

Claim 10 pertains to a method for testing a website residing on a network using a test-enabled browser. The testing can perform a validation test to determine whether a website under test has changed. As to the performance of the validation test, claim 10 specifically recites:

wherein prior to said performing (c) of the validation test for a particular web page, the particular web page is rendered by the test-enabled browser and examined so as to at least (i) extract details of the particular web page using a Document Object Model pertaining to the web page, and (ii) store the details of the particular web page in a recorded script, and

wherein during said performing (c), the particular web page is newly rendered by the test-enabled browser and details for the particular web page as newly rendered are compared to the stored details in the recorded script.

Claim 10, lines 7-14.

In Duckett et al. user activity is monitored and recorded as a script. However, as noted above, claim 10 (among other things) extracts details of a particular web page and stores such details in a recorded script. The storage of details of a web page in a script is completely different than storing user activity in a script. Moreover, nothing in Duckett et al. teaches or suggests comparing details of a web page rendered by a test-enabled browser with details previously stored in a recorded script. Accordingly, it is submitted that claim 10 is patentable distinct from Duckett et al.

Based on the foregoing, it is submitted that claims 1, 2, 6 and 10 are patentably distinct from Duckett et al. In addition, it is submitted that dependent claims 3-5, 7 and 13-21 are also patentably distinct for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the

claimed invention from Duckett et al. Thus, it is respectfully requested that the Examiner withdraw the rejection under 35 USC §102(e).

## **SUMMARY**

It is submitted that the objection to claims 4-7 has been overcome. In addition, it is submitted that claims 1-7, 10 and 13-21 are patentably distinct from Duckett et al. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. EVLDP001).

Respectfully submitted,  
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